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OFFICE OF PETITIONS

In re Application of	:	
Albert K. Chin	:	
Application No. 09/413012	:	
Filing or 371(c) Date: 10/05/1999	:	ON PETITION
Attorney Docket Number:	:	
80121-04496	:	

This is a decision on the request for reconsideration of petition under 37 CFR 1.137(b), filed August 24, 2007, to revive the above-identified application. The delay in treating this petition is regretted.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of August 22, 2006. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is November 23, 2006.

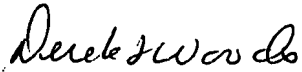
A petition to revive the application under 37 CFR 1.137(b), filed April 17, 2007, was dismissed in a Decision mailed July 30, 2007, for failing to meet the requirements of a grantable petition under 37 CFR 1.137(b).

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee, and the submission required by 37 CFR 1.114; (2) the petition fee (filed with the original petition on April 17, 2007); and (3) a proper statement of unintentional delay (filed with the original petition on April 17, 2007)¹.

¹ 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appears in the original petition filed April 17, 2007, and the present petition requests reconsideration of the original petition, the renewed petition is being construed as incorporating the required statement of unintentional delay. Petitioner must notify the Office if this is not a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

This application is being referred to Technology Center AU 3734 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

A handwritten signature in cursive script, appearing to read "Derek L. Woods".

Derek L. Woods

Attorney

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